

Brief Summary of Dispute Resolution Processes under IDEA and Utah State Special Education Rules

Problem Solving Resolution Facilitation

State early dispute resolution procedure available at any time, before a State Complaint, Mediation, or Due Process Hearing request is filed.

Both parties must agree.

Issues of disagreement must be specified, and how they violate IDEA described.

No timeline.

State (Formal) Complaint

Filed with Superintendent of district and copied to Utah State Office of Education, Nan Gray, State Director of Special Education.

Describe alleged violations of IDEA with respect to individual student.

Describe proposed solutions to the problems.

District has 30 days to investigate and write decision.

Parent may appeal decision to USOE with 10 days of district decision if disagree.

USOE completed independent investigation before total of 60 days, unless parties agree to extend for some significant reason.

Mediation

Any party may request at any time during the IDEA process.

Both parties must agree to mediate or mediation will not occur.

Filed with Superintendent of district and copied to Utah State Office of Education, Nan Gray, State Director of Special Education.

Describe the problem.

Describe alleged violations of IDEA with respect to individual student.

Describe proposed solutions to the problems.

USOE assigns mediator and absorbs costs of the mediation sessions.

Attorneys not usually present.

Discussions during mediation confidential.

Mediation agreement is binding and may be enforced in court of law.

No timeline.

Due Process Hearing

Filed with Superintendent of district and copied to Utah State Office of Education, Nan Gray, State Director of Special Education.

Describe problems.

Describe alleged violations of IDEA with respect to individual student.

Describe proposed solutions to the problems.

Mandatory Resolution Session initiated within 15 days; resolution completed within 30 days, if resolution is possible.

Hearing completed within 45 days; timeline starts after resolution session time is completed.

Due Process Hearing is like court; rules of evidence, witnesses sworn in, procedures during hearing.

It is advisable for both parties to have attorneys.

Hearing Officer decision binding upon both parties.